

October 7, 2004

October Seventh

20-----04

The regular September Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Assistant City Manager for Government Affairs Todd M. Yeatts, Director of Finance Aubrey D. Dodson, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Police Chief Philip Broadfoot, Economic Development Director Ron Bunch, Deputy Finance Director Barbara Dameron, Public Works Director Rick Drazenovich, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Parks, Recreation, and Tourism Director John Gilstrap, Fire Chief B. G. Lewis, Tourism Director Rosalee Maxwell, and Community Development Coordinator Anne Moore,

Mayor Hamlin presided.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Vice-Mayor Wayne Williams offered the Invocation. The Pledge of Allegiance to the Flag followed.

### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Hamlin recognized Riverview Rotary Club President Laurie Moran. Ms. Moran presented a "check" to Mayor Hamlin in the amount of \$40,000 on behalf of the Club for River Walk Trail development. The City will receive \$10,000 a year over the next four years.

Mayor Hamlin thanked Ms. Moran and Rotary Club Members for the gift to the City and for the continued support of the Rotary Club. He recognized and acknowledged the presence of approximately twelve club members.

### **COMMUNICATIONS FROM VISITORS**

Pat Martens, a National Alliance for the Mentally Ill (NAMI) representative, appeared to accept a proclamation from Mayor Hamlin. Ms. Martens briefed Council Members on the activities of the group in Danville, which consists of the mentally ill and their family

October 7, 2004

members. Ms. Martens advised that mental illness came in many forms and was often devastating, debilitating, and misunderstood. Bipolar illness, also referred to as manic depression, is manifested by constant mood swings, from the high of feverish activity to the low of long-term depression. She advised the illness could often trigger thoughts of self-destruction and suicide. Ms. Martens said with proper medications, mental illnesses could be managed and individuals could lead good, productive lives. She commended NAMI members Van Avery, Sue Fleming, and Carolyn LaViscount for their efforts in assisting the mentally ill to lead better lives.

Mayor Hamlin presented Ms. Martens with a proclamation naming Thursday, October 7, 2004 as "Bipolar Disorder Awareness Day."

Mayor Hamlin recognized Tourism Board Member Laurie Moran. Ms. Moran, along with several Board Members, presented a gift basket filled with Danville memorabilia to Council Member Buddy Rawley, who is resigning from City Council to accept a position in Fayetteville, North Carolina. Mr. Rawley had been a member of the Tourism Board since 2002 and Ms. Moran said he served with great enthusiasm and with a sincere commitment to bringing more tourism to Danville. Tourism Board Members Lawrence McFall, Anne Moore, Dale Castiglione, Tourism Director Rosalee Maxwell, Parks, Recreation, and Tourism Director John Gilstrap were also present for the presentation.

### **MINUTES**

Upon Motion by Council Member Daniels and second by Council Member Archie, Minutes of the September 21, 2004 Regular Meeting were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

### **BUDGET ADOPTION-FY 2004-2005-HIGHWAY SAFETY PROJECT GRANT**

Upon Motion by Council Member Luther and second by Council Member Rawley, Ordinance No. 2004-09.06 presented by its First Reading on September 21, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing revenue to anticipate the receipt of funds from the Virginia Department of Motor Vehicles Highway Safety Project Grant in the amount of \$17,000 and appropriating same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

### **BUDGET ADOPTION-FY 2004-2005-CRIMINAL JUSTICE SERVICES GRANT**

Upon Motion by Council Member Castiglione and second by Council Member Daniels, Ordinance No. 2004-09.07 presented by its First Reading on September 21, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing

October 7, 2004

revenue to anticipate the receipt of funds from the Commonwealth of Virginia Department of Criminal Justice Services Special Grant Award Program for a grant in the amount of \$10,717 and local share in the amount of \$3,572 for a total appropriation in the amount of \$14,572 to be used toward the procurement of equipment, technology and other material directly related to the basic law endorsement function was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

#### **BUDGET ADOPTION-FY 2004-2005-DOMESTIC PREPAREDNESS GRANT**

Upon Motion by Council Member Smith and second by Council Member Luther, Ordinance No. 2004-09.08 presented by its First Reading on September 21, 2004 amending the 2004-2005 Budget Appropriation Ordinance to provide for a grant in the amount of \$174,582 from the Office of Domestic Preparedness and the United States Fire Administration and local share in the amount of \$19,398 for a total appropriation in the amount of \$193,980 to purchase personal protective gear for each uniformed personnel of the Fire Department was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

#### **BUDGET ADOPTION-FY 2004-05-REPAIR GWHS TENNIS COURTS**

Upon Motion by Council Member Rawley and second by Vice-Mayor Williams, Ordinance No. 2004-09.09 presented by its First Reading on September 21, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by authorizing increases in certain revenue and appropriating same, relating to tornado damages to the George Washington High School Tennis Courts in the amount of \$105,091 was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

#### **CODE AMENDMENT-SECTION 21-136-IMMOBILE & VEHICLES**

Council Member Rawley moved the adoption of an Ordinance entitled:

October 7, 2004

ORDINANCE NO. 2004-10.01

AN ORDINANCE REPEALING THE CURRENT SECTION 21-136 OF THE DANVILLE CITY CODE AND REPLACING IT WITH A NEW SECTION 21-136 TO PROVIDE A MORE UNIFORM ENFORCEMENT OF THE REMOVAL OF UNATTENDED OR IMMOBILE VEHICLES AND AMENDING SECTION 21-137 TO CONFORM WITH THE NOTICE REQUIREMENTS IN THE NEWLY CREATED CODE SECTION 21-136.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**REAPPOINT DONALD MOORE TO HOUSING AUTHORITY BOARD**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-10.01

A RESOLUTION REAPPOINTING DONALD P. MOORE AS A MEMBER OF THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY BOARD OF COMMISSIONERS.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**APPOINT SYLVESTER MAYO TO HOUSING AUTHORITY BOARD**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-10.02

A RESOLUTION APPOINTING SYLVESTER L. MAYO AS A MEMBER OF THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY BOARD OF COMMISSIONERS.

October 7, 2004

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**REAPPOINT HARRY KOLENDRIANOS TO WPPDC**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-10.03

A RESOLUTION REAPPOINTING HARRY T. KOLENDRIANOS AS A MEMBER OF THE WEST PIEDMONT PLANNING DISTRICT COMMISSION.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**HEARING-SPECIAL USE PERMIT-215 CRAGHEAD STREET**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit for the purpose of operating an Artist Studio/Gallery and residential apartments at 215 Craghead Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on September 23 and 30, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-10.02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR RESIDENTIAL DWELLING UNITS ON THE SECOND FLOOR OF 215 CRAGHEAD STREET.

Council Member Rawley seconded the Motion.

In response to Council Member Daniels, Planning Director Ken Gillie responded that the artist studio on the ground level is allowed without a special use permit; however, the rental apartments on the upper level require the permit.

October 7, 2004

In response to Council Member Smith, Mr. Gillie said that as long as the first floor of the building is a permitted use, there could be residential on the upper level with a special use permit. The Special Use Permit remains with the property should it be sold at a later date.

Vice-Mayor Williams inquired about parking in the area. Mr. Gillie said parking was available in the back of the property.

The Ordinance was adopted by the following vote:

VOTE: 9-0

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).

NAY: None (0).

### **HEARING-SPECIAL USE PERMIT-505 ARNETT BOULEVARD**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit for the purpose of operating an Adult Day Care Facility at 505 Arnett Boulevard. Notice of the Public Hearing had been duly published in the Danville Register and Bee on September 23 and 30, 2004.

Mark Fitzgerald, who manages the day support program at 505 Arnett Boulevard, appeared to answer questions posed by citizens and Council Members. Mr. Fitzgerald said the applicant, Jack Wall with Wall Residences, is requesting a Special Use Permit to operate an adult day care facility for mentally handicapped clients. He said currently there are four (4) clients that are being provided services and if the Special Use Permit is granted, it was anticipated that the facility would serve up to twenty (20) clients.

Council Member Archie asked if there were the possibility of traffic hazards to the clients along that area. Mr. Fitzgerald responded that the clients are inside most of the day and are accompanied by facility personnel should they be out of doors.

Council Member Saunders voiced support for issuance of the permit stating that personnel at the facility have a reputation for excellence.

No one further desired to be heard and the Public Hearing was closed.

Vice-Mayor Williams moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-10.03

AN ORDINANCE GRANTING A SPECIAL USE PERMITS TO OPERATE AN  
ADULT DAY CARE FACILITY AT 505 ARNETT BOULEVARD.

October 7, 2004

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castilian, Daniels, Hamlin, Luther, Rowley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**HEARING-SPECIAL USE PERMIT-9.05 ACRES-WILSON ROAD**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit for the purpose of constructing an accessory building without a primary building being located on the parcel. Notice of the Public Hearing had been duly published in the Danville Register and Bee on September 23 and 30, 2004.

The applicant, Dr. David Sloan, appeared to answer questions from citizens and Council Members. Dr. Sloan said he proposed to construct a barn to shelter horses and agreed that the horses would be for personal use and not for commercial stabling of horses for private owners. He had also agreed that there would be no more than three horses kept on the property.

In response to Dr. Williams, Dr. Sloan said the 9.05 acre property was actually not located in the Fox Hollow subdivision, but adjacent to it.

No one further desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

**ORDINANCE NO. 2004-10.04**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT, ON APPROXIMATELY 9.05-ACRE PARCEL LOCATED OFF WILSON ROAD FOR THE PURPOSE OF CONSTRUCTING AN ACCESSORY BUILDING (BARN) WITHOUT A PRIMARY BUILDING BEING LOCATED ON THE PARCEL.**

Council Member Luther seconded the Motion.

Council Member Daniels stated the Ordinance as presented, used the word “animals” and not “horses” related to this request. He said he would like to see the Ordinance amended to read “horses” and not “animals.”

Council Member Luther moved to amend the Ordinance and change the word “animals” to “horses.” The Motion to amend was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0

October 7, 2004

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

The Ordinance, as amended, was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**BUDGET AMENDMENT-FY 2004-2005-NEW VOTING MACHINE SYSTEM**

Upon Motion by Council Member Archie and second by Council Member Luther, an Ordinance entitled:

ORDINANCE NO. 2004-10.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY AUTHORIZING INCREASES IN CERTAIN REVENUES AND APPROPRIATING SAME FOR THE PURPOSE OF NEW VOTING EQUIPMENT IN THE AMOUNT OF \$306,768

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

Council Member Castiglione said the new machines would not be used in the upcoming November presidential election, but would be used for the June 2005 dual primary.

Council Member Saunders commended the Electoral Board Members Royce Agee, Ralph Polk, and Sylvesta Jennings and General Registrar Peggy Petty for the efforts in obtaining State funding for the new voting machines and their forthcoming efforts in educating voters about how to use the machines.

**BUDGET AMENDMENT-FY 2004-2005-VICTIM WITNESS PROGRAM**

Upon Motion by Council Member Castiglione and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2004-10.06

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE STATE FOR A VICTIM WITNESS PROGRAM IN THE AMOUNT OF \$50,795 AND APPROPRIATING SAME



October 7, 2004

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**CODE AMENDMENT-CHAPTER 12-ARTICLE II-VOTING PRECINCTS**

Council Member Luther moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-10.07

AN ORDINANCE AMENDING CHAPTER 12 ARTICLE II OF THE DANVILLE CITY CODE TO CHANGE THE CENTRAL ABSENTEE VOTER PRECINCT AND TO UPDATE THE NAMES AND LOCATIONS OF VOTER PRECINCTS DUE TO STREETS BEING RENAMED, PREVIOUS OMISSIONS IN BOUNDARY DESCRIPTIONS AND DUE TO NAME CHANGES OF THE VOTING PLACES.

The Motion was seconded by Vice-Mayor Williams and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**APPROVE EXECUTION OF POWER SUPPLY AGREEMENT-AEP**

Council Member Smith moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-10.04

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A POWER SUPPLY AGREEMENT BETWEEN THE CITY OF DANVILLE, VIRGINIA AND AMERICAN ELECTRIC POWER SERVICE CORPORATION.

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

**ALBERT K. "BUDDY" RAWLEY, JR. RESIGNS FROM COUNCIL**

Council Member Archie moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-10.05

October 7, 2004

A RESOLUTION ACCEPTING THE RESIGNATION OF ALBERT K. "BUDDY" RAWLEY, JR., EFFECTIVE OCTOBER 8, 2004.

The Motion was seconded by the Whole Council and adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,  
Smith, and Williams (9).  
NAY: None (0).

Mayor Hamlin and Council Members joined Buddy Rawley at his desk. Mayor Hamlin presented a plaque to Mr. Rawley, containing the City Seal and a Key to the City and was inscribed " Presented to Albert K. Rawley, Jr. by a grateful community for your faithful service. Danville City Council October 1, 2002 – October 8, 2004."

Mr. Rawley was given a standing ovation by City staff and citizens in attendance.

**COMMUNICATIONS**

City Manager Gwaltney extended best wishes to Buddy Rawley. He said that Mr. Rawley would be missed and that his support was very much appreciated during his tenure as a Council Member.

Mr. Gwaltney called attention to a copy of *Homes Magazine*, which features an article about Danville. Wilkins & Co. Realtors distributed the publication.

Mr. Gwaltney called attention to the Quarterly Financial Report dated October 1, 2004 that had been placed at the desk of each Council Member. Mr. Gwaltney said the administration was pleased with the financial status in spite of the depressed economy and the effects of Dan River's bankruptcy proceedings. He said the City's department directors had done an excellent job holding down expenditures.

The City Manager called attention to the General Fund Report. He said the Ending Fund Balance and the Total Fund Balance should read 6/30/04 and not 3/31/04.

Mr. Gwaltney said that it was with mixed emotions that he announced the retirement of Finance Director Aubrey Dodson, effective March 1, 2005. Mr. Dodson will have been with the City for 35 years when he retires. Mr. Gwaltney said that Aubrey is one of the finest public servants that he has ever worked with.

**ROLL CALL**

Each Council Member extended best wishes to former Council Member Buddy Rawley and wished him well in his new job and in all his future endeavors. Each expressed appreciation for his commitment to Danville and its citizens.

October 7, 2004

Council Member Archie expressed appreciation to Transportation Services Director Marc Adelman for meeting with Ingram Heights and Dan Heights residents relating to the experimental bus service to these areas. Mrs. Archie encouraged the residents to make wise use of the service in order to keep the bus routes to these areas.

Mrs. Archie requested that Community Development Director Jerry Fischer be on the lookout for available CDBG funds. Mrs. Archie advised that she had heard at the annual Virginia Municipal League Conference in Alexandria this weekend that these funds were being zeroed out. She said Danville had greatly benefited from these funds and expressed dismay that they were being phased out.

Mrs. Archie read a Certificate of Achievement presented to Woodrow Wilson Magnet School by Governor Mark Warner. The certificate was presented in Richmond on Friday, October 1, 2004, commending the achievement of full accreditation for the school.

Council Member Castiglione thanked Mayor Hamlin for recognizing "Bipolar Awareness Day." Mr. Castiglione said that in the last four years at Danville Community College, there had been five (5) students who had had no previous problems and suddenly manifested symptoms of mental illness. He said NAMI has been a wonderful resource for these students.

Council Member Daniels, during the September 21, 2004 Council Meeting, had questioned the legality of mopeds and other motorized bikes on the highway. Deputy Police Chief Tom Brown informed him at that time they were legal; however, the City Council could impose certain restrictions if Council members desired to do so. City Manager Gwaltney said consideration of this item would be placed on the October 19, 2004 Work Session.

Mayor Hamlin presented the Virginia Municipal League's (VML) President's Award to City Manager Gwaltney for display at the Institute for Advanced Learning and Research. Danville had been honored this past weekend during the VML annual conference held in Alexandria, Virginia.

Council Member Luther expressed pride at the VML achievement for Danville. Mr. Luther concurred with Mr. Daniels that something needed to be done about mopeds on City streets. He congratulated Danville Redevelopment and Housing Authority Executive Director Daryl Dalton on the receipt of a grant for computers for use at the HOPE VI project area.

Council Member Saunders, who serves on the Board of the Danville River Business Development Center, said the Board and the City have an excellent partnership and that great things were happening in Danville. He encouraged aspiring business owners to contact Executive Director Linda Hutson Green at 434-793-9100 for information on how the center could be of assistance in getting a business started.

October 7, 2004

Council Member Smith thanked City Manager for the excellent financial report and commended the Finance Department for a job well done in accumulating the report. He expressed pride that the City had received the VML award.

Vice-Mayor Williams reported on the meeting of the Committee on Appointments that had met prior to the regular Council Meeting. Dr. Williams said the Committee reviewed the process for selecting the candidate for the Council seat left vacant by Mr. Rawley's resignation. He advised that effective today, applications would be accepted until Monday, November 8. He said that if there were a significant number to be interviewed, there would be a narrowing of the number of candidates to be interviewed. During the proceeding thirty (30) days, interviews would be held in open session. Dr. Williams said it had been projected that Council would formalize the final selection during the December 7, 2004 Council Meeting. He said applications were available in the City Clerk's Office.

Dr. Williams said he had recently attended the formation of a community watch group. He felt it was good for a neighborhood to come together and work to solve any problems within the community.

Mayor Hamlin recognized Buddy Rawley. Mr. Rawley said that during the twenty-nine years he had worked at Dan River, he had worked for four individuals. They were Byron Fentriss, Charles Hylton, Linwood Wright, and Bob Beezy. He said these gentlemen gave him an opportunity to do a better job due to their mentorship.

Mr. Rawley also gave a personal note of thanks and appreciation to each Council Member and staff person for lessons he had learned from each. Among those lessons were timeliness, patience, conciseness, leadership, passion, encouragement, consistency, the ability to look at both sides of an issue, hard work and organization, friendship, and the confidence to take risks. He thanked Mayor Hamlin for his guidance and patience over the past two years.

Mr. Rawley said that his life was much richer for having known such great individuals and that he felt blessed that each one had come into his life.

Mr. Rawley recognized and acknowledged the presence of his wife, one of his sons, his father and his sister and thanked them for their love and support.

The Meeting adjourned at 8:45 P.M.

---

MAYOR

---

CLERK

October 7, 2004